

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Harold David Yaritz,

Civ. No. 23-3912 (PAM/TNL)

Plaintiff,

v.

ORDER

Department of Corrections; Nan Larson,
Health Care Commissioner, if applicable
current Health Care Commissioner; Laura
Westphal AWA/ADA; Dr. Wolke,
Institutions Optometrist; and Kelly
Markham, RN-Supervisor,

Defendants.

Plaintiff Harold David Yaritz has filed an application to proceed in forma pauperis (“IFP”) on appeal. As the Court has previously determined, 28 U.S.C. § 1915(g) bars Yaritz from proceeding IFP because he has had three previous lawsuits dismissed as frivolous or for failure to state a claim. (See Docket Nos. 5, 7, and 17.) The Eighth Circuit Court of Appeals has affirmed this Court’s denial of Yaritz’s request to proceed IFP. (Docket No. 20.) Yaritz’s request to appeal IFP must again be denied.

The Court has repeatedly instructed Yaritz that should he desire to pursue an appeal without prepaying the appellate filing fee, his only recourse is to move the court of appeals to proceed IFP on appeal. Fed. R. App. P. 24(a)(5).

Accordingly, **IT IS HEREBY ORDERED** that Harold David Yaritz's application to proceed in forma pauperis on appeal (Docket No. 25) is **DENIED**.

Dated: July 26, 2024

s/ Paul A. Magnuson
The Hon. Paul A. Magnuson
United States District Court Judge